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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
MASATOSHI YOSHIKAWA ET AL : EXAMINER: JULIE ANNE WATKO
SERIAL NO: 10/059,153 :
FILED: JANUARY 31, 2002 : GROUP ART UNIT: 2652
FOR: MAGNETORESISTIVE HEAD AND :
PERPENDICULAR MAGNETIC
RECORDING-REPRODUCING
APPARATUS

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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SIR:

In response to the Restriction Requirement dated September 10, 2003, Applicants provisionally elect Species A, drawn to Figs. 3A-8, on which claims 1-5, 13 and 18 are readable. Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions.

The Election Requirement asserts that the application contains claims to patentably distinct species. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional

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effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain four separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-18 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

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